IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WA.No. 2383 of 2006()

AGAINST THE JUDGEMENT IN WPC.11106/2006 Dated 19/10/2006
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APPELLANT: 4TH RESPONDENT

S.SUNILKUMAR, PADMA SADANAM,
T.C.6/342, VATTIYOORKAVU, THIRUVANANTHAPURAM.

BY ADV. SRI.P.RAVINDRAN
SRI.ANIL SIVARAMAN

RESPONDENTS: PETITIONER

1. V.MOHANKUMAR, KOKKODU VEEDU, KORANI P.O.,
THIRUVANANTHAPURAM.

2. THE REGIONAL TRANSPORT AUTHORITY,
THIRUVANANTHAPURAM, REP. BY ITS SECRETARY.

3. THE SECRETARY,REGIONAL TRANSPORT
AUTHORITY,THIRUVANANTHAPURAM.

4. SMT.SAROJINI,RITA NIVAS,
R.K.V.ROAD, THIRUVANANTHAPURAM.

5. THE STATE TRANSPORT APPELATE TRIBUNAL,
ERNAKULAM.

6. R.V.KRISHNAKUMARI, ROHINI MANDIRAM,
MARKET ROAD, ATTINGAL.

R6 BY ADV. SRI.A.INEES
R1 BY ADV.SRI.K.V.GOPINATHAN NAIR
R4 BY ADV.SMT.SUMATHI DANDAPANI
R2, R3 & R5 BY G.P.SRI.P.A.SALIM

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 28/02/2007, ALONG WITH W.A.NOS.423 & 511 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.A.Nos.2383 of 2006, 423 & 511 OF 2007

Dated 28th February, 2007

JUDGMENT

Koshy,J.

Appellants were operating the stage carriages for about a decade and contesting respondents were operating the stage carriages for a considerable length of time. Several orders were passed by the Regional Transport Authority regarding granting of permits and cancelling the permits and on the basis of various orders passed by this court, these stage carriages were operating in the rout in question. But, disputes continue. As per the directions of this court, RTA considered the applications and passed Ext.P15 order assessing marks on the basis of norms prescribed. By Ext.P17 judgment it was upheld by the State Transport Appellate Tribunal. By the impugned judgment, the learned Single Judge directed the RTA to reconsider the matter after setting aside Exts.P15 and P17. Four months' time was also allowed to run the buses as status quo and RTA was directed to dispose of the matter within two months. Four months have passed. RTA did not decide the issue so far.

2. It has also come out in evidence that there is a requirement of all the four stage carriages to operate in Thiruvananthapuram city. Applications were considered in 1994. Now we are in 2007. Need for traffic in

Thiruvananthapuram city increased considerably. After considering the facts and circumstances of the case and after hearing all the parties, we direct the Regional Transport Authority to grant permit to all the four stage carriages. Status quo with regard to the stage carriages of appellants shall be continued and the contesting respondents (writ petitioners) also shall be granted permit at the set of timings which they were operating, till next timing conference is convened.

All the three writ appeals are disposed of accordingly.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

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